

an Owners' Association. Such developments without an Owners' Association shall establish a binding agreement between owners to govern any party walls and to ensure reciprocal easement rights needed for maintenance.

(Ord. No. 91-145, § 1, 11-27-91; Ord. No. 03-249, § 1, 11-18-03)

30-6-10.2. Submission of owners' association declaration.

After Preliminary Plat approval, and before any building permit issuance, it is recommended that the subdivider submit for review and approval a draft of the Declaration of the Owners' Association containing covenants and restrictions governing the Owners' Association, lots or units, and common elements. Prior to or concurrently with the submission of the Final Plat for review and approval, the subdivider shall submit a copy of the final Declaration for review and approval. The Declaration shall include provisions for the following:

(A) *Membership:* Membership in the Owners' Association shall be mandatory for each original purchaser and each successive purchaser of a lot or unit. Provisions shall be made for the assimilation of owners in subsequent sections of the development.

(B) *Responsibilities of Association:* The Declaration shall state that the Owners' Association is responsible for:

- (1) payment of premiums for liability insurance and local taxes;
- (2) maintenance of recreational and/or other facilities located on the common elements; and
- (3) payment of assessments for public and private improvements made to or for the benefit of the common elements.

(C) *Exterior Maintenance of Units:* The Owners' Association shall be made responsible for exterior maintenance of all attached units (whether they be dwelling units or nonresidential units); or each unit owner shall be made responsible, with the Owners' Association granted authority to per-

form such exterior maintenance in the event the unit owner fails to do so in a prompt and satisfactory manner and to assess the cost of the maintenance against the unit.

(D) *Default by Association:* Upon default by the Owners' Association in the payment to the jurisdiction entitled thereto of any assessments for public improvements or ad valorem taxes levied against the common elements, which default shall continue for a period of six (6) months, each owner of a lot in the development shall become personally obligated to pay to the jurisdiction a portion of the taxes or assessments in an amount determined by dividing the total taxes and/or assessments due to the jurisdiction by the total number of lots in the development. If the sum is not paid by the owner within thirty (30) days following receipt of notice of the amount due, the sum shall become a continuing lien on the property of the owner, his heirs, devisees, personal representatives, and assigns. The taxing or assessing jurisdiction may either bring an action at law against the owner personally obligated to pay the same, or may elect to foreclose the lien against the property of the owner.

(E) *Powers of the Association:* The Owners' Association is empowered to levy assessments against the owners of lots or units within the development. Such assessments shall be for the payment of expenditures made by the Owners' Association for the items set forth in this Section, and any assessments not paid by the owner against whom such assessments are made shall constitute a lien on the lot of the owner.

(F) *Easements:* Easements over the common elements for access, ingress, and egress from and to public streets and walkways, and easements for enjoyment of the common elements and for parking, shall be granted to each lot owner.

- (G) *Maintenance and Restoration:* Provisions for maintenance and restoration in the event of destruction or damage shall be established for common elements improvements and party walls.
- (H) *Parking Allocation in Nonresidential Developments:* In nonresidential owners' association developments, the Declaration shall contain the following provision:

"Parking spaces shall be allocated among the individual lots or units in such a manner that each unit is entitled to a sufficient number of parking spaces to comply with this Ordinance for the use intended to be located therein. The Owners' Association shall maintain a register listing the total number of parking spaces in the development and the number of spaces allocated to each lot or unit. A copy of this register shall be available to the Enforcement Officer at his request. The Owners' Association shall not reduce the number of parking spaces allocated to an individual lot or unit without the express written consent of the owner thereof, and in no case shall the number of parking spaces allocated to an individual lot or unit be reduced to a number below that required by this Ordinance."

(Ord. No. 91-145, § 1, 11-27-91; Ord. No. 03-249, § 1, 11-18-03)

30-6-10.3. Conversion of nonconforming developments.

If a nonconforming use or nonconforming building is converted into a condominium or other owners' association development, the Declaration and Final Plat shall disclose such nonconformity and explain potential consequences of such nonconformity in case of substantial damage to the building.

(Ord. No. 91-145, § 1, 11-27-91)

30-6-11. FINAL PLAT

30-6-11.1. Required.

A Final Plat shall be required for all subdivisions except for Group Developments not entail-

ing easement dedication, right-of-way dedication, or permanent run-off control structures. Upon approval of the Preliminary Plat and other required plans, the applicant shall be eligible to submit a Final Plat for approval. Approval of the Preliminary Plat shall constitute tentative approval of the Final Plat if the Final Plat is substantially unchanged from the approved Preliminary Plat. Substantial changes from the Preliminary Plat will require review and reapproval by the Planning Department for minor subdivisions, or by the Technical Review Committee for major subdivisions, to ensure compliance with existing regulations.

(Ord. No. 91-145, § 1, 11-27-91; Ord. No. 93-55, § 35, 6-7-93)

30-6-11.2. Preparation.

The Final Plat shall be prepared by a registered land surveyor in accordance with Appendix 2 (Map Standards).

(Ord. No. 91-145, § 1, 11-27-91)

30-6-11.3. Required improvements.

No Final Plat shall be approved until all required improvements have been installed and accepted by the City or surety has been provided as set forth in Section 30-3-9 (Sureties or Improvement Guarantees).

(Ord. No. 91-145, § 1, 11-27-91)

30-6-11.4. Reserved.

Editor's note—Ord. No. 97-157, § 9, adopted Oct. 14, 1997, deleted former 30-6-11.4, which pertained to assurance of completion of improvements and derived from Ord. No. 91-145, § 1, adopted Nov. 27, 1991; and Ord. No. 92-52, § 133, adopted April 20, 1992.

30-6-11.5. Certification of final plat.

When the Planning Department has approved a Final Plat, a signed written statement to this effect shall be entered on the face of the plat. This statement is found in Appendix 2 (Map Standards).

(Ord. No. 91-145, § 1, 11-27-91)